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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/879,816

06/12/2001

Richard S. Bice

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12/14/2005

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EXAMINER

AVELLINO, JOSEPH E

ART UNIT

PAPER NUMBER

2143

DATE MAILED: 12/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/879,816

Applicant(s)

BICE ET AL.

Examiner

Joseph E. Avellino

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2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 2-9, 14-20, 24-31, 34 and 35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-9, 14-20, 24-31, 34, 35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

1. Claims 2-9, 14-20, 24-31, 34, 35 are pending in this examination; claims 34 and 35 independent.

2. In view of the Brief filed on October 17, 2005, PROSECUTION IS HEREBY REOPENED. New grounds of rejections are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

***Claim Rejections - 35 USC § 102***

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

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Claims 3-8, 14-15, 20, 24-28, and 34-36 are rejected under 35 U.S.C. 102(e) as being anticipated by Brown et al. (USPN 6,631,363) (hereinafter Brown).

4. Referring to claim 34, Brown discloses a network based automated message handling system for initiating responses to messages transmitted through a network by application components, the system comprising:

at least one customer-defined message handling rule (i.e. customer customized alerts based upon data the customer wishes to be notified about) (col. 6, lines 5-10);

at least one service-based message handling rule (i.e. depending upon the level of service of the customer such as implicit events which determine when new products have been added) (col. 3, lines 43-60);

at least one common message handling rule (i.e. receiving a notification that the user requests notification about, determining how to process the notification and how to disseminate this information to the user) (col. 5, lines 20-25); and

a message handler configured to:

receive a message from an application component (i.e. either data or an event type) (col. 3, lines 20-25),

determine, based on a content of the received message, whether to apply the customer defined message handling rule (i.e. data update to apply the customer defined message (Figure 5, ref. 64);

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determine, based on the content of the received message, whether to apply the at least one service message handling rule (i.e. determine which new products have been added (col. 3, lines 43-55);

determine, based on the content of the received message, whether to apply the at least one common message handling rule (i.e. notification data alert to therefore determine how to notify the user) (col. 5, line 66 to col. 6, line 10);

identify at least one first party when the first rule applies (i.e. determine the explicit events pertain to which user (Figure 5, ref. 66, arrow under TRUE);

identify at least one second party when the second rule applies (i.e. determine user to route implicit events to) (col. 3, line 43 to col. 4, line 50);

identify the third party when the third rule applies (i.e. generate message based on the conditionals of the user) (col. 5, line 66 to col. 6, line 10); and generate new messages to the first, second, and third parties(col. 5, line 66 to col. 6, line 10)

5. Referring to claim 3, Brown discloses comprising a customer-interface portal, said portal providing an interface for a customer to express customer-defined rules (Brown discloses that the user has the ability to define customer defined rules, however does not expressly state that a customer-interface portal was used, however it would be inherent to the system of Brown that a customer-interface portal was used since there would be no other way for a user to define rules to the system) (col. 5, lines 18-27).

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6. Referring to claim 4, Brown discloses said portal interface for allowing a customer to define customer-defined rules allows a customer to express identifying messages for which the contents of the message should be automatically forwarded to at least one desired recipient (Figure 4; col. 3, lines 18-25).

7. Referring to claims 5-7, Brown discloses allowing the customer to identify a delivery method for messages, wherein one of the available delivery methods is a pager notification method, an email notification, or a message posted to an internet address (since an email address is technically considered an internet address, since it distinctively identifies an account on the Internet, the cited portions related to an email notification also applies to claim 7) (col. 5, line 55 to col. 6, line 9).

8. Referring to claim 8, Brown discloses allowing a customer to express without prompting at least one desired recipient (i.e. the user is considered the recipient of the message) (col. 5, lines 18-27).

9. Referring to claims 10-12, Brown discloses comprising at least one service-based rule and at least one common rule and wherein the rules are identified by the contents of a received message (col. 3, lines 18-60).

10. Claims 14-15, 24-28, and 35-36 are rejected for similar reasons as stated above.

***Claim Rejections - 35 USC § 103***

11. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown

12. Referring to claims 17-19, Brown discloses the invention substantively as described in claim 35. Brown further discloses at least one delivery method comprises transmission to a pager email transmission, and an Internet post operation (i.e. an email is inherently an internet post operation since the information is transmitted through the internet to a destination) (col. 5, line 65 to col. 6, line 4). Brown does not specifically disclose displaying a list of available delivery methods, and determining from the customer a desired delivery method for transmission of a message, however one of ordinary skill in the art would recognize the benefits of displaying a list of available delivery methods in order to determine as to how the system can notify the user. BY this rationale, "Official Notice" is taken that both the concept and advantages of providing for a list of available delivery methods is well known and expected in the art. It would have been obvious to one of ordinary skill in the art to modify the system of Brown to include an available delivery method list in order for the system to let the user know of the capabilities of the notification system, resulting in a concise user interface for which the user to define the notifications (col. 5, lines 20-25).

Claims 2, 16, and 29-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown in view of Teegan et al. (USPN 6,748,555) (hereinafter Teegan).

13. Referring to claim 2, Brown discloses the invention substantively as described in claim 1. Brown does not specifically disclose notifying a software developer when a software fault is indicated by the contents of a message. In analogous art, Teegan discloses another network based automated message handling system wherein the system notifies a software developer when a software fault is indicated by the contents of a message (col. 16, lines 6-14). It would be obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Teegan with Brown since Brown discloses that the event notification system can "also work with applications which do not generate such events, and is adaptable to nearly any type of computer application" (col. 2, lines 35-38). This would lead one of ordinary skill in the art to search analogous art which would yield the system disclosed in Teegan. By this rationale, it would be obvious to combine these references.

14. Claims 16, and 29-31 are rejected for similar reasons as stated above.

Claims 9 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown in view of Escolar (USPN 5,926,100).



15. Brown discloses the invention substantively as described in claim 4. Brown does not specifically disclose comprising a contacts list tool identifying entities associated with a hosted application. In analogous art, Escolar discloses another network-based automated message handling system wherein a contacts list tool identifying entities associated with a hosted application (Figure 3, 48). It would be obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Escolar with Brown since Brown discloses that the event notification system can "also work with applications which do not generate such events, and is adaptable to nearly any type of computer application" (col. 2, lines 35-38). This would lead one of ordinary skill in the art to search analogous art which would yield the system disclosed in Escolar. By this rationale, it would be obvious to combine these references.

### ***Response to Amendment***

16. Applicant's arguments filed January 10, 2005 have been fully considered but they are not persuasive.

17. In the remarks, Applicant argues, in substance, that (1) Brown does not disclose a service-based message handling rule, a common-message handling rule, and a customer-defined message handling rule.

As to point (1) the Examiner respectfully disagrees. The specification provides definitions of these terms as follows:

customer-defined message handling rule: "defines actions desired by a customer to be taken in the event of a message indicating a condition or event"

(page 5, lines 19-21);

service-based message handling rule: "rules are dependent upon a level of service subscribed to by a user" (page 7, lines 1-2); and

common message handling rule: "applicable to all customers" (page 7, line 3).

First, it should be noted that Applicant does not disclose that each of the message handling rules must be exclusive (i.e. the customer-defined rules must be exclusive of the service-based rules, which must be exclusive to the common rules). Brown discloses customized alerts customized by the user which defines what alerts the user wishes to be notified and how the user is to be notified (col. 6, lines 4-10). Brown further discloses having service-based message rules, since the user must register with the service of Brown, any and all rules defined by the user are inherently service-based rules since any rules are dependent upon the service subscribed to by the user (i.e. register with the alert manager col. 5, lines 20-25). Each event type (Figure 4; col. 4, line 66 to col. 5, line 6) can be construed a level of service, since each recipient must subscribe to the event type (see col. 5, lines 7-18) in order to receive notifications regarding the event type. Finally, Brown's common-message handling rules can be found in the alert manager, since the alert manager is applicable to all customers (i.e. all

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users must register with the alert manager in order to receive notifications. By this rationale, the rejection is maintained.

### ***Conclusion***

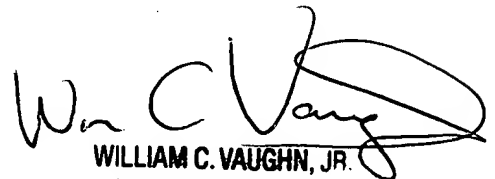
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph E. Avellino whose telephone number is (571) 272-3905. The examiner can normally be reached on Monday-Friday 7:00-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



JEA  
November 29, 2005



WILLIAM C. VAUGHN, JR.  
PRIMARY EXAMINER